

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**MEGAN BRITT, BRETT HAWKINS,
STEVE HARBOUR, JASON NORMAN,
BRIAN MILEY, CLINT BUCKLEY, and
JASON BAKER**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 1:18-cv-00038-GHD-DAS

**MISSISSIPPI FARM BUREAU CASUALTY
INSURANCE COMPANY, SOUTHERN
FARM BUREAU LIFE INSURANCE
COMPANY and SOUTHERN FARM BUREAU
CASUALTY INSURANCE COMPANY**

DEFENDANTS

ORDER

At the Final Pretrial Conference held on February 16, 2022, the plaintiffs moved *ore tenus* to strike two of the defendants' fact witnesses from the Pretrial Order. The plaintiffs argue that the defendants did not identify Bridget Walker and Blake Peden as potential witnesses until after the discovery period had expired. These individuals were identified in declarations submitted in conjunction with summary judgment briefing in September 2021, and the discovery period expired on June 11, 2021. Docket 369, 441.

After considering arguments from both sides, the court finds the witnesses shall remain in the Pretrial Order. While Federal Rule of Civil Procedure 26(e)(1)(A) requires a party to supplement its disclosures "in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing," the basic purpose of Rule 26(e) is to prevent a party from being prejudicially

surprised by information presented at trial. *Reed v. Iowa Marine and Repair Corp.*, 16 F.3d 82, 85 (5th Cir.1994). Here, the plaintiffs have known of the identities of these witnesses and the content of their declarations since September 2021. After hearing the substance of Walker's and Peden's expected testimony, the court finds the plaintiffs are not unfamiliar with the areas in which they're expected to testify and thus any alleged error in failing to disclose their identities is harmless. The plaintiffs' request to strike Bridget Walker and Blake Peden from the Pretrial Order is **DENIED**.

SO ORDERED, this the 17th day of February, 2022.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE